

Exception in writs
Exception to Jury-men or assessors returned to pass on
Exception (in defence) a stop or stay to action

Dilatory Exception

Exception peremptory

Exception or Bar to an action arising
from a Mans error Fact Argumentum ad Honorem
Exception personal against the pursuer
Excluded from pleading any thing against
his own deed

Excluded utterly

Excommunication

Excuse for the absence of one summoned to appear
Excuse to a person who produces a writ to a court
Excuse (to) a summons against one

Execution of a summons

Execution upon Decrets and Rogatory Bonds
When a debtor is unwilling to pay or perform
what he stands obliged to his person may be
attached and incarcerated by raising horning
and Calion; His movables may be affected
and carried off, either by denunciation on the
horning, or by arrestment and a decret of forth
coming, or by pouding; The free disposal of
his heriotage may be hindered by Calabition, &
his heriotage itself may be seized by appri-
sing or adjudication.

A Saving out of deeds and writings
a challenge
A plea. Esupport, an Impediment or bar of action

A plea in abatement whereby the defendant prays
that the writ or plaint may abate, i.e. plaintiffs
suit against him may cease or be suspended
for that time in respect of some informality to
be rectified, or Impediment to be removed. So that
a plea in abatement is a kind of temporary plea in
Bar.

A plea in Bar applies to the action or that which goes to
the merits of the cause or action.
Which may be divided into General Bar, or a Bar to
common Judgment which ordinarily prima facie
destroys or disables the plaintiffs action, but may
be taken off by Replaciation, and a Bar Special,
founded on some Special matter of Fact.

A plea in disability of the plaintiff.
To bar the action.

Esupport to plead, which signifies a plea
or a plea in law, which is a plea in fact as to merits
Fore closed, barred, ousted off

Escommencement.
Essoin. In favor of default.

To forbid an order or writ upon one to forbids
process against one. To forbid a summons on the
party against whom he has some preclusion.

Return of a writ, certificate made to the court
of that which the sheriff or bailiff has done
touching the execution of any writ directed to
him. a certificate of the public officers service
of the process.

When one hath received Debt or damages in a per-
sonal action against another he may have Judicial
writs of Execution directed to the Sheriff, as
1^o Capias ad Satisfaciendum commanding the
Sheriff to take the body of the Debtor and commit
him to prison till satisfaction be made.

2^o Fieri Facias, commanding the Sheriff to levy
the Money off the Debtors Goods & Chattels only.
3^o Levari Facias, directed to the Sheriff for levying
or collecting the Money upon the Rents, corn and other
present profits of the Debtors Lands and his Goods
and Chattels.

4^o An Elegit. That is where one who having got
Judgment for Debt or damages in any court Suits and
obtains within a year after the Judgment an Elegit
a writ Judicial directed to the Sheriff to deliver to
the person recovering all the Goods (beasts of the
plough excepted) and half of his Lands or Tenements
of the Debtor, if the Goods are not sufficient
to be appraised or extended by an Enquest or
Jury of twelve men. upon which the Creditor shall
have the same till he hath his whole Debt or damages or
satisfaction. During which Time he hath estate by
Elegit, or is Tenant by Elegit, so called from
his words in the writ. Elegit sibi Liberum &c.

If once the body be charged in Execution, there is
no Remedy against the Lands or Goods, unless the
Debtor escapes voluntarily, or be privileged by parlia-
ment 1 Jac. cap. 13. And if an Elegit be executed and
filed i.e. put upon a Thread or Wires in court for
prohibition, no other Execution on that Judgment
can be afterwards taken out unless all the Lands
extended on the Elegit be levied by better Title, or
the Sheriff to whom a capias ad Satisfaciendum or
Fieri Facias or an Elegit is directed return that
non est Inventus, or that he hath no Goods or Chattels
or Lands according to the Nature of the writ in
his county; the Creditor may then upon a writ
of the like Nature directed to the Sheriff of any
other county, where it is thought the Debtor lurks,
and may be arrested, or take Goods or Lands where
will to satisfy the Debt, which new writs called
Postalium, from the former Sheriffs lodging
that the writ directed to him could not be effec-
tually executed within his County.
But these writs of Execution must be obtained
within a year after the Judgment, otherwise they
cannot be had without previously suing out a
Scire Facias, which is a Judicial writ Summo-
ning the party to show cause to the court why
Execution of his Judgment should not be made
out. (vid. Waking Summons off).

The proceeding and Execution upon a Bond of
Record, as a Statute or Recognizance is much like
the proceeding Execution upon a Judgment. The
Recognizor brings Bond to the Judge or other offi-
cer, before whom it was acknowledged, who finding
the Record of it and the day of payment to be past, may
apprehend or imprison the Recognizor of a Layman or
found within their Jurisdiction, and if not found
there, are to certify the Record into the Chancery, where
upon the Recognizor in the case of a Statute Staple
shall have a writ to take his Body, and extend his
Lands and Goods returnable in the Chancery. But
in the Statute Merchant the Recognizor gets a capias
out of the Chancery directed to the Sheriff of the
county where the Recognizor lies to apprehend
and imprison him returnable in the Kings Bench
or common pleas; and within a Quarter of a year
after he is taken, or the Sheriff returns a non est
Inventus, to sell his Lands or Goods to satisfy the
Recognizor. But after Elapsing of that Time
without Satisfaction of the Debt, the Recognizor
gets another writ (or Debtors writ, if the Land
or Goods lie in different counties) called
Extendi Facias or a writ of Extent, commanding
the Sheriff of the county where the Lands or Goods
lie to value the same at a reasonable rate, by
the sworn men, upon which returning the value
the Recognizor called the Extent, the Lands and Goods
to be taken into the Sheriffs Hands, and to be

at the time of pleading a challenge to the array or execution against the party
a challenge to the array or execution against the party
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